



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Case: 77960/Appeal: 4059
23 December 2016

STEVEN AFTERGOOD
1725 DESALES ST NW STE 600
WASHINGTON DC 20036

Dear Dr. Aftergood:

This responds to your letter, dated 8 October 2014, appealing the National Security Agency/Central Security Service's (NSA/CSS) denial of information under your 10 March 2014 Freedom of Information Act (FOIA) request to the Department of Defense for "a copy of any notifications to Congress that may have been transmitted by DoD in the past 12 months concerning authorized public disclosures of intelligence information."

I have reviewed your request, the Chief of the FOIA Office's response to you, your appeal letter, and the responsive document. Further, a line-by-line review of the document has also been conducted on appeal. As a result of my review, I have granted your appeal in part.

The withheld information continues to be currently and properly classified in accordance with Executive Order 13526. The information meets the criteria for classification as set forth in subparagraph (c) of Section 1.4 of Executive Order 13526 and remains currently and properly classified TOP SECRET as provided in Section 1.2 of the Executive Order. As such, it is exempt from disclosure pursuant to the first exemption of the FOIA. The information is classified because its disclosure could reasonably be expected to cause exceptionally grave damage to the national security.

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. We have determined that such information exists in this document. Accordingly, those portions are exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 3024(i); and Section 6, Public Law 86-36 (50 U.S. Code 3605).

Since your appeal is denied in part, you are hereby advised of your right pursuant to 5 U.S.C. §552(a)(4)(B) and 5 U.S.C. §552a(g)(1)(B) to seek judicial review of my decision in

the United States District Court in the district in which you reside, in which you have your principal place of business, in which the Agency records are situated (U.S. District Court of Maryland), or in the District of Columbia.

Sincerely,

A handwritten signature in black ink, reading "David J. Sherman". The signature is written in a cursive style with a large, prominent "D" and "S".

DAVID J. SHERMAN
Chief, Strategy, Plans and Policy
Freedom of Information/Privacy Act Appeal Authority

Encl:
a/s



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

DEC 13 2013

MEMORANDUM FOR:
STAFF DIRECTOR AND MINORITY STAFF DIRECTOR,
HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

SUBJECT: ~~(TS//SI//NF)~~ Congressional Notification – Authorized Disclosures of Classified Information to Media Personnel – INFORMATION MEMORANDUM

~~(TS//SI//NF)~~ As we have previously informed Committee staff, the National Security Agency (NSA) has provided [redacted] with access to NSA personnel and facilities in order to support an accurate and balanced public portrayal of NSA's mission and activities. [redacted] This engagement, along with two earlier media engagements over the past several months, involved the authorized disclosure of classified information.

(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ For each of the three engagements, the decision to disclose classified information was made in consultation with the Director of National Intelligence pursuant to Executive Order 13526, and in each case the information disclosed remains properly classified. The circumstances for each follow:

(b)(3)-50 USC 3024(i)
(b)(3)-P.L. 86-36

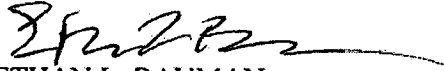
- ~~(TS//SI//NF)~~ [redacted] These discussions ranged in classification; up to [redacted] Noteworthy among the classified topics disclosed were NSA's use of metadata to locate terrorists, the techniques we use and the processes we follow to assist in locating hostages, [redacted] overseas support to the warfighter and U.S. allies in war zones, and NSA support to overall USG efforts to mitigate cyber threats. The [redacted] personnel executed non-disclosure agreements that covered all classified discussions.
- ~~(TS//SI//NF)~~ [redacted] The discussion concerned [redacted] Classified information was disclosed in order to correct inaccurate understandings held by the reporter about the nature and circumstances of [redacted] Discussions ranged up to [redacted]
- ~~(TS//SI//NF)~~ [redacted] The discussion concerned the [redacted] capability. Classified information was disclosed in an effort to limit or avoid reporting that could lead to the loss of the capability [redacted] Discussions ranged up to [redacted]

(b)(1)
(b)(3)-50 USC 3024(i)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798

DOD / FOID	
SCI CONTROL	
Copy No.	R-1 NSA
Case No.	14-F-0541
SCI No.	14-SI-014
Document No.	1

Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20381201

(U//FOUO) Should you have questions or require additional information, please contact me at [redacted] [redacted] (b)(3)-P.L. 86-36



ETHAN L. BAUMAN
Director, Legislative Affairs Office